

AMENDED IN ASSEMBLY APRIL 22, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1888

Introduced by Assembly Member Huff
(Coauthor: Assembly Member Lieu)

February 7, 2008

An act to amend Section 1596.792 of the ~~Education~~ *Health and Safety* Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1888, as amended, Huff. Child care: licensure requirements: heritage schools.

The California Child Day Care Facilities Act prescribes licensure requirements for the operation of child day care facilities, day care centers, and family day care homes. The act exempts specified facilities and arrangements from its provisions.

This bill, in addition, would exempt heritage schools, as defined, from the provisions of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.792 of the Health and Safety Code,
- 2 as amended by Section 4 of Chapter 288 of the Statutes of 2007,
- 3 is amended to read:
- 4 1596.792. This chapter, Chapter 3.5 (commencing with Section
- 5 1596.90), and Chapter 3.6 (commencing with Section 1597.30)
- 6 do not apply to any of the following:

1 (a) Any health facility, as defined by Section 1250.

2 (b) Any clinic, as defined by Section 1202.

3 (c) Any community care facility, as defined by Section 1502.

4 (d) Any family day care home providing care for the children
5 of only one family in addition to the operator's own children.

6 (e) Any cooperative arrangement between parents for the care
7 of their children when no payment is involved and the arrangement
8 meets all of the following conditions:

9 (1) In a cooperative arrangement, parents shall combine their
10 efforts so that each parent, or set of parents, rotates as the
11 responsible caregiver with respect to all the children in the
12 cooperative.

13 (2) Any person caring for children shall be a parent, legal
14 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of
15 at least one of the children in the cooperative.

16 (3) There can be no payment of money or receipt of in-kind
17 income in exchange for the provision of care. This does not prohibit
18 in-kind contributions of snacks, games, toys, blankets for napping,
19 pillows, and other materials parents deem appropriate for their
20 children. It is not the intent of this paragraph to prohibit payment
21 for outside activities, the amount of which may not exceed the
22 actual cost of the activity.

23 (4) No more than 12 children are receiving care in the same
24 place at the same time.

25 (f) Any arrangement for the receiving and care of children by
26 a relative.

27 (g) Any public recreation program. "Public recreation program"
28 means a program operated by the state, city, county, special district,
29 school district, community college district, chartered city, or
30 chartered city and county that meets either of the following criteria:

31 (1) The program is operated only during hours other than normal
32 school hours for kindergarten and grades 1 to 12, inclusive, in the
33 public school district where the program is located, or operated
34 only during periods when pupils in kindergarten and grades 1 to
35 12, inclusive, are normally not in session in the public school
36 district where the program is located, for either of the following
37 periods:

38 (A) For under 16 hours per week.

1 (B) For a total of 12 weeks or less during a 12-month period.
2 This total applies to any 12 weeks within any 12-month period,
3 without regard to whether the weeks are consecutive.

4 In determining “normal school hours” or periods when pupils
5 are “normally not in session,” the State Department of Social
6 Services shall, when appropriate, consider the normal school hours
7 or periods when pupils are normally not in session for pupils
8 attending a year-round school.

9 (2) The program is provided to children who are over the age
10 of four years and nine months and not yet enrolled in school and
11 the program is operated during either of the following periods:

12 (A) For under 16 hours per week.

13 (B) For a total of 12 weeks or less during a 12-month period.
14 This total applies to any 12 weeks within any 12-month period,
15 without regard to whether the weeks are consecutive.

16 (3) The program is provided to children under the age of four
17 years and nine months with sessions that run 12 hours per week
18 or less and are 12 weeks or less in duration. A program subject to
19 this paragraph may permit children to be enrolled in consecutive
20 sessions throughout the year. However, the program shall not
21 permit children to be enrolled in a combination of sessions that
22 total more than 12 hours per week for each child.

23 (h) Extended day care programs operated by public or private
24 schools.

25 (i) Any school parenting program or adult education child care
26 program that satisfies both of the following:

27 (1) Is operated by a public school district or operated by an
28 individual or organization pursuant to a contract with a public
29 school district.

30 (2) Is not operated by an organization specified in Section
31 1596.793.

32 (j) Any child day care program that operates only one day per
33 week for no more than four hours on that one day.

34 (k) Any child day care program that offers temporary child care
35 services to parents and that satisfies both of the following:

36 (1) The services are only provided to parents and guardians who
37 are on the same premises as the site of the child day care program.

38 (2) The child day care program is not operated on the site of a
39 ski facility, shopping mall, department store, or any other similar
40 site identified by the department by regulation.

1 (l) Any program that provides activities for children of an
2 instructional nature in a classroom-like setting and satisfies both
3 of the following:

4 (1) Is operated only during periods of the year when pupils in
5 kindergarten and grades 1 to 12, inclusive, are normally not in
6 session in the public school district where the program is located
7 due to regularly scheduled vacations.

8 (2) Offers any number of sessions during the period specified
9 in paragraph (1) that when added together do not exceed a total of
10 30 days when only schoolage children are enrolled in the program
11 or 15 days when children younger than schoolage are enrolled in
12 the program.

13 (m) A program facility administered by the Department of
14 Corrections and Rehabilitation that (1) houses both women and
15 their children, and (2) is specifically designated for the purpose of
16 providing substance abuse treatment and maintaining and
17 strengthening the family unit pursuant to Chapter 4 (commencing
18 with Section 3410) of Title 2 of Part 3 of the Penal Code, or
19 Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2
20 of that code.

21 (n) Any crisis nursery, as defined in subdivision (a) of Section
22 1516.

23 (o) A heritage school. For purposes of this section, “heritage
24 school” means a school that *serves children who are at least 4*
25 *years and 9 months of age and* does all of the following:

26 (1) Runs on a regular schedule.

27 (2) Offers education or academic tutoring, or both, in a foreign
28 language.

29 (3) Offers education on the culture, traditions, or history of a
30 country other than the United States.

31 (4) Offers culturally enriching activities, including, but not
32 limited to, art, dancing, games, or singing, based on the culture or
33 customs of a country other than the United States.

34 ~~(5) Operates for purposes not solely related to child care.~~

35 ~~(6)~~

36 (5) Complies with all of the following health and safety
37 standards, as monitored by the State Department of Social Services:

38 (A) The school requires each staff member to complete a health
39 screening report, including a tuberculosis test.

1 (B) The school develops and maintains an emergency disaster
2 plan.

3 (C) The school requires each staff member to sign a statement
4 acknowledging the requirement to report suspected child abuse
5 pursuant to Article 2.5 (commencing with Section 11164) of
6 Chapter 2 of Title 1 of Part 4 of the Penal Code.

7 (D) The school provides accessible drinking water.

8 (E) The school requires each staff member to complete a current
9 criminal record clearance administered by the Department of
10 Justice pursuant to subdivisions (a) and (b) of Section 11105.3 of
11 the Penal Code.

12 (p) This section shall remain in effect only until July 1, 2011,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before July 1, 2011, deletes or extends that date.

15 SEC. 2. Section 1596.792 of the Health and Safety Code, as
16 amended by Section 5 of Chapter 288 of the Statutes of 2007, is
17 amended to read:

18 1596.792. This chapter, Chapter 3.5 (commencing with Section
19 1596.90), and Chapter 3.6 (commencing with Section 1597.30)
20 do not apply to any of the following:

21 (a) Any health facility, as defined by Section 1250.

22 (b) Any clinic, as defined by Section 1202.

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24 (d) Any family day care home providing care for the children
25 of only one family in addition to the operator's own children.

26 (e) Any cooperative arrangement between parents for the care
27 of their children when no payment is involved and the arrangement
28 meets all of the following conditions:

29 (1) In a cooperative arrangement, parents shall combine their
30 efforts so that each parent, or set of parents, rotates as the
31 responsible caregiver with respect to all the children in the
32 cooperative.

33 (2) Any person caring for children shall be a parent, legal
34 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of
35 at least one of the children in the cooperative.

36 (3) There can be no payment of money or receipt of in-kind
37 income in exchange for the provision of care. This does not prohibit
38 in-kind contributions of snacks, games, toys, blankets for napping,
39 pillows, and other materials parents deem appropriate for their
40 children. It is not the intent of this paragraph to prohibit payment

1 for outside activities, the amount of which may not exceed the
2 actual cost of the activity.

3 (4) No more than 12 children are receiving care in the same
4 place at the same time.

5 (f) Any arrangement for the receiving and care of children by
6 a relative.

7 (g) Any public recreation program. "Public recreation program"
8 means a program operated by the state, city, county, special district,
9 school district, community college district, chartered city, or
10 chartered city and county that meets either of the following criteria:

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12 school hours for kindergarten and grades 1 to 12, inclusive, in the
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14 only during periods when pupils in kindergarten and grades 1 to
15 12, inclusive, are normally not in session in the public school
16 district where the program is located, for either of the following
17 periods:

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19 (B) For a total of 12 weeks or less during a 12-month period.
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23 are "normally not in session," the State Department of Social
24 Services shall, when appropriate, consider the normal school hours
25 or periods when pupils are normally not in session for pupils
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38 sessions throughout the year. However, the program shall not
39 permit children to be enrolled in a combination of sessions that
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4 program that satisfies both of the following:

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6 individual or organization pursuant to a contract with a public
7 school district.

8 (2) Is not operated by an organization specified in Section
9 1596.793.

10 (j) Any child day care program that operates only one day per
11 week for no more than four hours on that one day.

12 (k) Any child day care program that offers temporary child care
13 services to parents and that satisfies both of the following:

14 (1) The services are only provided to parents and guardians who
15 are on the same premises as the site of the child day care program.

16 (2) The child day care program is not operated on the site of a
17 ski facility, shopping mall, department store, or any other similar
18 site identified by the department by regulation.

19 (l) Any program that provides activities for children of an
20 instructional nature in a classroom-like setting and satisfies both
21 of the following:

22 (1) Is operated only during periods of the year when pupils in
23 kindergarten and grades 1 to 12, inclusive, are normally not in
24 session in the public school district where the program is located
25 due to regularly scheduled vacations.

26 (2) Offers any number of sessions during the period specified
27 in paragraph (1) that when added together do not exceed a total of
28 30 days when only schoolage children are enrolled in the program
29 or 15 days when children younger than schoolage are enrolled in
30 the program.

31 (m) A program facility administered by the Department of
32 Corrections that (1) houses both women and their children, and
33 (2) is specifically designated for the purpose of providing substance
34 abuse treatment and maintaining and strengthening the family unit
35 pursuant to Chapter 4 (commencing with Section 3410) of Title 2
36 of Part 3 of the Penal Code, or Chapter 4.8 (commencing with
37 Section 1174) of Title 7 of Part 2 of that code.

38 (n) A heritage school. For purposes of this section, “heritage
39 school” means a school that *serves children who are at least 4*
40 *years and 9 months of age and does all of the following:*

- 1 (1) Runs on a regular schedule.
- 2 (2) Offers education or academic tutoring, or both, in a foreign
- 3 language.
- 4 (3) Offers education on the culture, traditions, or history of a
- 5 country other than the United States.
- 6 (4) Offers culturally enriching activities, including, but not
- 7 limited to, art, dancing, games, or singing, based on the culture or
- 8 customs of a country other than the United States.
- 9 ~~(5) Operates for purposes not solely related to child care.~~
- 10 ~~(6)~~
- 11 (5) Complies with all of the following health and safety
- 12 standards, as monitored by the State Department of Social Services:
- 13 (A) The school requires each staff member to complete a health
- 14 screening report, including a tuberculosis test.
- 15 (B) The school develops and maintains an emergency disaster
- 16 plan.
- 17 (C) The school requires each staff member to sign a statement
- 18 acknowledging the requirement to report suspected child abuse
- 19 pursuant to Article 2.5 (commencing with Section 11164) of
- 20 Chapter 2 of Title 1 of Part 4 of the Penal Code.
- 21 (D) The school provides accessible drinking water.
- 22 (E) The school requires each staff member to complete a current
- 23 criminal record clearance administered by the Department of
- 24 Justice pursuant to subdivisions (a) and (b) of Section 11105.3 of
- 25 the Penal Code.
- 26 (o) This section shall become operative on July 1, 2011.